

which had been approved previously and operated in apparent compliance with federal, state and local regulations. In support of the FONSI, the BIA also reported its conclusion that the proposed Hudson casino could have a 20 percent share of the blackjack market and 24 percent share of the slot and video market in the primary market zone based on two studies supplied by the applications, and found that the gaming market was of sufficient size to support this additional operation.

After receiving the final FONSI determination on Sept. 14, 1994, MIGA again sought an MAO meeting. When this request, too, was turned down, the Minnesota tribes were upset. According to McCarthy, the tribes took the FONSI to mean that the BIA had simply failed to take into account the views of the Minnesota tribes. MIGA wrote a letter on Sept. 21, 1994, to the MAO Director protesting the issuance of the final FONSI. Although MIGA had not submitted any economic or environmental data to controvert the BIA's findings, the letter claimed that the BIA had simply "ignored our challenge to the validity of these findings." The letter also urged MAO Director Homer to meet with MIGA to discuss the matter, and expressed MIGA's "disappoint[ment] that our last letter requesting a meeting was not even granted the courtesy of an acknowledgment from your office." A week later, the MAO Director responded to MIGA's letter. Homer's response explained that, under IGRA, both the Area Office and the Great Lakes Agency would review the application. The letter declined the invitation by MIGA for a meeting, explaining that "since the processes have closed, the MAO is of the opinion that a meeting would not accomplish the desired objective."⁹⁹ The letter concluded: "The MAO is aware of the opposition expressed by the MIGA to the Hudson Dog Track proposal."

⁹⁹Letter from Denise Homer to Myron Ellis, Sept. 28, 1994.